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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,304	11/19/2001	Jerry R. Timko	BS01-128	8427

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EXAMINER

TO, TUAN C

ART UNIT	PAPER NUMBER
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3663

DATE MAILED: 01/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,304

Applicant(s)

TIMKO ET AL.

Examiner

Tuan C To

Art Unit

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20-32 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-18, and 20-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Razavi et al. (US 6362730) and in view of Dutta et al. (US 5953319A).

Claims 1, 7, 12, 17, 23, and 28: Razavi et al disclosed a system and method for collecting vehicle information, comprising some features claimed by the applicants. For example, in Fig. 2, Razavi et al. showed a block diagram of in-car subsystem network. There are many electronic and communication components including wireless modem, CDPD modem, and wireless Ethernet. As clearly explained in the specification, vehicle data are transmitted to the external device by the in-vehicle network, wherein the wireless modem, CDPD modem and wireless Ethernet keep the important roles in doing this. Razavi et al. further explain that the disclosure is directed to sub-net-work implementations within vehicles, wherein vehicles may include automobiles, boats, airplanes, trailers, buses, trains and the like. Therefore, Razavi et al. not only disclose a system for managing a vehicle but also for a fleet of vehicles. Razavi et al. do not mention clearly about the selection means to determine whether to send the vehicle data using the first transmission network or the second transmission network in accordance with a selection parameter according to a priority. The secondary reference to Dutta et al. has been found as disclosing wide area mobile communication networks with multiple routing mode options. In the figure 2 of Dutta et al., there is shown the intelligent switching node/router 230 for determining which transmission path to utilize for transmitting a particular message data package. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Razavi et al. and Dutta et al. in order to allow vehicle operator select a type of communication network at a good time and conveniently transfers the vehicle data or the emergency data to a control center located away from the fleet of vehicles.

Claim 2, 3, 9-11, 13, 14, 24, and 29: Razavi et al. disclosed that vehicle data may include location, traffic, diagnostic or other types of information (See abstract). Thus, it would include various vehicle data that claimed by applicant.

Claims 4-6: Razavi et al also disclosed the GPS satellite receiver for receiving the information from the satellite.

Claims 8, 15, and 16: As shown in Figure 1 of the invention, several devices or communication network are associated. However, each of these devices are addressable, so that the confliction between those network is avoided.

Claim 18: To look carefully the whole system of Razavi et al., one artisan skill in the art would recognize that the in-vehicle computer platform unit represented in Fig. 2 of Razavi et al. is a multi-mode in-vehicle control unit.

Claims 20-22: Razavi et al further explained that IP addressing allows data to be directed to the target device. Therefore, a specific data would be transmitted or received by a specific device.

Claims 25-27, 31, and 32: As shown in figure 2 of Dutta et al, the message storage device 240 is provided for storing either received or transmitted message data packets.

Claim 30: As discussed in the previous paragraph, the Dutta et al. reference provide the wide area mobile communication networks with multiple routing mode options, in which there are several transmission paths, each represents a cost for transmitting the vehicle.

Allowabl Subject Matter

Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Amendment

Applicant's arguments with respect to claim 1-22 have been considered but are moot in view of the new ground(s) of rejection.

During the prior art searching, the examiner has found that the new reference to Dutta et al. comprises the missing features from the reference of Razavi et al. as represented in the details of this office action.

It is notified that examiner's position that, a person of ordinary skill in the art would apply the communication networks as taught in Dutta et al. to the system and method of Razavi et al. to achieve some particular realistic objective.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (703) 308-6273. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and none for After Final communications.

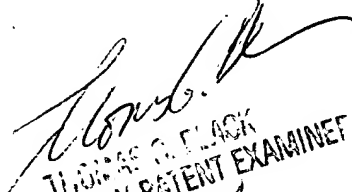
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

/tc

January 6, 2004


THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 3000